Remarks

Claim Objections

Claim objections concern claims 1 and 5, 8-12 with regard to "leaf spring(s)".

The Examiner assesses the limitation "leaf spring(s)" to be unclear.

The expression "leaf spring(s)" as for example used in claim 1 covers both embodiments:

a) leaf springs..., wherein the [one] leaf spring extends substantially in a radial direction

b) leaf spring..., wherein the [plural] leaf springs extend substantially in a radial direction.

Claims 1, 5, 8-12 are clarified for better understanding.

Also, claim 6 is amended to change "an optics" to "an optic", as the Examiner suggests.

Claim Rejections – 35 USC 102(b)

Claims 1, 3-6, 8-10 and 12 are rejected as anticipated by Mai (US 6,005,711).

Valid rejection under 35 USC 102 requires that each feature of a rejected claim be disclosed in a single reference. "For anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." MPEP 706.02(a)

Mai does not disclose each feature of the rejected claims.

Regarding claims 1 and 3-5 the Examiner points out that Fig. 3 of Mai ('711) discloses "the leaf spring extends substantially in a radial direction".

We cannot follow the Examiner's assessment. Fig. 3 clearly shows a leaf spring 116 that extends substantially in an axial direction given that the leaf spring is positioned between spring sleeve 150 and pivot tube 74. There is just a very slight inclination to pivot tube 74 to keep pivot tube 74 pressed towards threaded cores 122 and 120.

Due to the fact that the free end of the simple leaf spring in Fig. 3 exerts a force approximately perpendicular to the leaf spring's body, the leaf spring automatically needs to be arranged parallel to the telescope's axis 14. Otherwise it could not press the pivot tube 74 in approximately radial direction.

Regarding claim 4, Mai does not disclose leaf springs arranged in the region with enlarged internal diameter. Fig. 1 of Mai shows outer tube 12 is of constant diameter in its middle portion where leaf spring 116 is arranged. There is an increase in diameter towards the objective portion, thus far away from the middle portion.

Therefore, claim 4 should be allowable.

Claim Rejections – 35 USC 103(a)

Claims 2 and 7 are rejected as being unpatentable over Mai in view of Gibson (US 4,408,842).

MPEP 2142 sets forth "The Legal Concept of *Prima Facie* Obviousness."

To establish a *prima facie* case of obviousness under 35 USC 103(a) the initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or imply suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." (MPEP 706.02(j))

Mai and Gibson do not suggest combining these references to produce applicant's claimed invention.

The Examiner states that Gibson teaches in Fig. 1 an outer tube (28, 34) comprising an enlarged inner diameter in a region of the operating elements. On the other hand, the Examiner states that the inner diameter of the wall of the outer tube is discontinuous, therefore the inner diameter being the same as the external diameter.

We question how a wall of a tube can have the same inner and external diameter. There would be no wall left in between.

If one would add in the discontinuous part a piece of tube to make Gibson a bit more like applicant's claimed invention, this would need to be a real tube with a certain wall thickness that still would not lead to an enlarged diameter.

In short, Gibson does not teach an enlarged inner diameter of outer tube (28, 34) being discontinuous in the turret region. In particular, Gibson does not teach the diameter relationship set forth in applicant's claim 7.

Therefore, claims 2 and 7 of the present invention are not obvious in view of the combination of Mai and Gibson.

A one-month extension of time in which to respond to the outstanding Office Action is hereby requested. Credit Card Payment Form PTO-2038 in enclosed to cover the prescribed Large Entity one-month extension fee of $110.00.

Wherefore, please consider and allow the claims in this case as currently amended.

The Assignment of this application is being corrected and recorded to show that the assignee is a corporation, not a foundation, of the Federal Republic of Germany.

Respectfully submitted,

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